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OFFICE OF PETITIONS

Tony D. Sherrod
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In re Patent No. 6,053,380
Issued: April 25, 2000
Application No.: 09/374,963
Filing Date: August 16, 1999
Attorney Docket No. **99-491**

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: **REQUEST FOR INFORMATION**
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This is a request for information in response to the petition under 37 CFR 1.378(b), filed May 17, 2012, to reinstate the above-cited patent.

Petitioner is allowed a non-extendable period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." If no response is provided within the period set forth, a decision will be made solely on the merits as set forth in the petitions under 37 CFR 1.378(b) filed May 17, 2012. No additional fees are due.

The above-identified patent issued on April 25, 2000. Therefore, the grace period in 35 U.S.C. § 41(b) for paying the 7.5-year maintenance fee expired at midnight on April 25, 2009.

Petitioner is required to address the following points:

- 37 CFR 1.378(b)(3) sets forth that a petition submitted under this portion of the Code of Federal Regulations must include a showing which is described as follows:

A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

Petitioner must, therefore, describe the steps that were in place to ensure that the maintenance fee was timely paid. This showing would include an explanation of who was responsible for paying tracking and paying the maintenance fee and the method this person, or entity, used for tracking the maintenance fee. Further, petitioner is required to establish how this person's delay in paying the maintenance fee was unavoidable.

- Petitioner is cautioned that Maintenance Fee Reminders are sent as a courtesy. It is well established in case law that non-receipt of a Maintenance Fee Reminder is not a cause for unavoidable delay as the term is used in 37 CFR 1.378(b). Further, patentees are charged with constructive knowledge of all applicable rules as set forth in Title 37 of the Code of Federal Regulations. Accordingly, being unaware of an applicable rule as it relates to the maintenance

fee schedule and payments or petitions to reinstate the patent once expires would normally not be considered a cause of unavoidable delay.

- Petitioner is required to provide evidence of petitioner's condition, which would include copies of medical records and/or treating physician statements that establish that petitioner condition would have made the failure to pay the maintenance fee unavoidable. Petitioner is cautioned to redact any personal information, such as social security and account numbers from the documents filed.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patent
Mail Stop Petitions
Box 1450
Alexandria, VA 22313-1460

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petition Attorney
Office of Petitions